

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JAMES F. FOOTE,

Plaintiff,

v.

JOHN A. POLK, et al.,

Defendants.

ORDER

Case No. 16-cv-641-wmc

Plaintiff James F. Foote is proceeding in this lawsuit against defendants James A. Polk, Polks Meat Products and Indianhead Food Distributor on state law claims related to an incident in which he suffered injury when he bit into a sausage containing a piece of metal. The defendants are *not* all represented by the same counsel: Indianhead is represented by Paul J. Pytlik, while Polk and Polks Meat are represented by R. Fletcher Koch. Now before the court is Foote's motion to compel the defendants to respond to his Second Set of Interrogatories. (Dkt. 26.) I am denying the motion because it is moot as to Indianhead and it is not properly aimed at Polk and Polks Meat because Foote does not report that he ever sent his discovery requests to their attorney.

In his motion, Foote states that he mailed his Second Set of Interrogatories to Attorney Pytlik (*Indianhead's* attorney), and he has attached the letter that he sent to Pytlik asking for a response. Through Pytlik, Indianhead responded that it mailed its response to plaintiff on May 11, 2018. (Dkt. 27.) In his reply brief, plaintiff does not dispute Indianhead's assertion, but reports that as of May 17, 2018, he had not received a response from the *other* defendants, Polk and Polk Meats. (Dkt. 29.)

I am denying Foote's motion as to Indianhead because it has responded to Foote's discovery request.

As for Polk and Polks Meat, there is no discovery dispute for the court to resolve. Foote does not claim that he ever actually served Polk and Polk Meat's attorney, Koch, with his Second Set of Interrogatories. If plaintiff wants discovery responses from these two defendants, then he has to serve discovery requests on their lawyer.

ORDER

IT IS ORDERED that plaintiff James F. Foote's motion to compel (dkt. 26) is DENIED.

Entered this 28th day of May, 2018.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge